

Frequently Asked Questions In-Use Off-Road Diesel Vehicle Regulation

Future Emissions Performance Requirements February 2013

Q - What does ARB's In-Use Off-Road Diesel Vehicle Regulation (off-road regulation) currently require?

A - The off-road regulation's requirements that are currently in effect and enforceable include:

- Report vehicles subject to the off-road regulation to ARB through the Diesel Off-road On-line Reporting System (DOORS);
- Label applicable vehicles with an Equipment Identification Number (EIN). The EIN must be shown on both sides beginning Jan 1, 2013;
- Update your DOORS within 30 days of buying or selling a vehicle;
- Include certain disclosure language about the off-road regulation when selling a vehicle subject to the off-road regulation;
- Do not idle a vehicle subject to the off-road regulation for over 5 minutes unless necessary;
- Have a written fleet idling policy (for medium and large fleets only); and
- Complete annual reporting, including submission of a Responsible Official Affirmation of Reporting (ROAR); large fleets must report annually from 2012 to 2023, medium fleets from 2016 to 2023, and small fleets from 2018 to 2028.

More information about what fleets need to do to meet the current requirements of the off-road regulation is available in the off-road Knowledge Center at <http://www.arb.ca.gov/msprog/ordiesel/knowncenter.htm>, and specifically this regulatory advisory from 2011 <http://www.arb.ca.gov/enf/advs/advs414.pdf>.

Q - What requirements contained within ARB's off-road regulation are technically in effect but currently not enforceable?

A - ARB may not enforce the emissions performance requirements of the off-road regulation, and the adding vehicles requirements, until it receives authorization from the United States Environmental Protection Agency (U.S. EPA). The adding vehicles requirements, i.e., restrictions on adding older vehicles to a fleet, are discussed at <http://www.arb.ca.gov/msprog/ordiesel/faq/addingvehicles.pdf>. A chart showing Tier level of engines and the emission rates can be found at http://www.arb.ca.gov/msprog/ordiesel/documents/off-road_diesel_eng_emis_factors.pdf. ARB requested authorization from U.S. EPA in 2008, and that request is presently pending. Hence, at this time (February 2013), a fleet may purchase a vehicle with any tier engine.

While this document is intended to assist fleets with their compliance efforts, it is the sole responsibility of fleets to ensure compliance with the In-Use Off-Road Diesel Vehicle Regulation.

Note that emissions performance requirements in the off-road regulation will not retroactively be enforced once the ARB does receive authorization from the U.S. EPA. For example, if a fleet purchases a Tier 0 vehicle during the period when such a purchase would be prohibited by the adding vehicles requirements, were they enforceable, the fleet will be able to keep that vehicle even after the U.S. EPA authorization. However, fleets should realize that having an older, dirtier vehicle will make it more difficult for a fleet to meet their future emissions requirements.

Q - What are requirements of ARB's off-road regulation that take effect in the future?

A - In addition to the reporting, labeling and other requirements that are currently in effect, and the adding vehicles requirements that are in effect but not yet enforceable, the off-road regulation includes annual emissions performance requirements.

Note that the emissions performance requirements discussed below cannot be enforced until ARB receives authorization from U.S. EPA.

The emissions performance requirements begin on these dates:

- January 1, 2014, for large fleets;
- January 1, 2017, for medium fleets; and
- January 1, 2019, for small fleets.

Fleets may have to take actions the prior year (i.e., take actions during calendar year 2013 for large fleets) in order to be in compliance on January 1 of these years above.

To meet annual emissions performance requirements, fleets will have to either (1) meet fleet-average emissions targets, or (2) meet BACT requirements. In general, if a fleet does not meet the fleet-average emissions targets, then it must do BACT until it does meet those targets.

In order to meet BACT requirements, fleets can either: (1) turn over to newer, cleaner engines or vehicles, or (2) install exhaust retrofits (aka VDECS). "Turn over" means retiring (selling) a vehicle (must retire older, dirtier ones first), designating a vehicle as a permanent low-use vehicle, repowering a vehicle with a higher tier engine, or rebuilding the engine to a more stringent emissions configuration. Repowering is removing the current engine and installing a cleaner engine (usually a tier or two higher). A fleet can do turnover, and still purchase machines (hopefully ones that are newer and lower-emitting, which will improve your fleet average emission levels).

Fleets are no longer required to install exhaust retrofits, but retrofits are an optional compliance method for BACT. See http://www.arb.ca.gov/msprog/ordiesel/documents/post_2010_hearing_fact_sheet.pdf

Another way a fleet can reduce emissions performance requirements that they must meet is to report some vehicles as low-use. Low-use vehicles are those that have accumulated, or will accumulate, less than 200 hours per year, or 600 hours over three years. Although low-use vehicles must still be reported and labeled, they do not count towards a fleet's total horsepower and are not included in the portion of a fleet that must meet the fleet average target rates; in other words, low-use vehicles do not have to be turned over or retrofit. You can think of low-use vehicles as being "invisible" to fleet horsepower to determine fleet size, and emissions performance requirements. There are two types of low-use vehicles (year-by-year, and designated permanent), and these and other aspects are discussed in the low use FAQ

<http://www.arb.ca.gov/msprog/ordiesel/faq/lowusefaq.pdf> . Note that BACT credit is only earned for vehicles designated permanent low-use on or after January 1 of the year before the first compliance deadline. For example, since January 1, 2014 is the initial compliance date for large fleets, if vehicles in large fleets are designated as permanent low-use prior to January 1, 2013, the fleet will not receive BACT credit.

Q - Can a fleet gain (bank) credits before its initial compliance date?

A - Fleets can take early actions (until that fleet's first compliance period) to receive credits. A fleet can repower with a higher tier engine (or in special cases, rebuild to a higher tier), install VDECS (aka exhaust retrofits), or replace (retire) vehicles.

In early 2013 there will be an FAQ regarding all early credits, which will be posted on the Knowledge Center. Presently, there is an FAQ regarding credits fleets may obtain for installing VDECS, and the possibility of double credit if installed before certain deadlines, see http://www.arb.ca.gov/msprog/ordiesel/faq/vdecs_credit_faq.pdf

Q - How can I find more information concerning the requirements of ARB's off-road regulation?

A - The web site for the off-road regulation is <http://www.arb.ca.gov/ordiesel> . The off-road regulation online Knowledge Center at <http://www.arb.ca.gov/msprog/ordiesel/knowcenter.htm> contains answers to many frequently asked questions, as well as regulatory advisories, fact sheets, and DOORS user guides. In early 2013 there will be a FAQ regarding other topics pertaining to compliance with annual emissions performance requirements. The Knowledge Center includes a search tool to help you find the information you need.

If you want to read some of the specific aspects of the off-road regulation language, the off-road regulation is here

<http://www.arb.ca.gov/msprog/ordiesel/documents/finalregorder-dec2011.pdf> .

You may also sign up for the off-road regulation email list serve at http://www.arb.ca.gov/listserv/listserv_ind.php?listname=ordiesel to receive infrequent emails about updates, changes, and reminders about the off-road regulation.

ARB has developed a special course describing how to comply with the off-road regulation, Course 504. For more information on Course 504, see the course website at <https://ssl.arb.ca.gov/training/courses.php?course=504>.

To determine your fleet's compliance, log into your DOORS account and view your fleet's "Compliance Snapshot" https://ssl.arb.ca.gov/ssldoors/doors_reporting/doors_login.html

For questions regarding off-road reporting, you may contact the DOORS hotline at (877) 59-DOORS [(877) 593-6677] or by email at doors@arb.ca.gov. For general questions about diesel regulations, you may contact the Diesel hotline at (866) 6-DIESEL [(866) 634-3735].